

A. G. Contract No KR98 1612TRN
ADOT ECS File No.: JPA 98-122
Project: STP081-1(4)P/H4949 01C
Section: SR-79 @ Butte Avenue

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE TOWN OF FLORENCE

THIS AGREEMENT is entered into 16 SEPTEMBER, 1998
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended,
between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF
TRANSPORTATION (the "State") and the TOWN OF FLORENCE, acting by and
through its MAYOR and TOWN COUNCIL (the "Town").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The Town is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the Town.

3. The State and the Town desire to participate in the design, construction and maintenance of a new traffic signal warranted on SR-79 at the intersection of Butte Avenue in the Town, at an estimated cost of \$180,000.00, all at State expense, hereinafter referred to as the Project, for the safety and benefit of the motoring public.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO. 22672
Filed with the Secretary of State
Date Filed: 09/16/98

Petey Bayless
Secretary of State

Vicky V. Haenewald
By

II. SCOPE

1. The State will:

a. Provide to State standards design plans, specifications and such other documents and services required for construction bidding and construction.

b. Call for bids and award one or more construction contracts for the Project. Administer same and make all payments to the contractor(s). Be responsible for any contractor claims for extra compensation attributable to the State.

c. Be responsible for the cost of the signal Project, in an amount currently estimated at \$180,000.00.

e. Upon completion, approve and accept the Project on behalf of the parties hereto and provide maintenance.

The Town will:

Upon completion and acceptance by the State, provide electrical energy to operate the signal.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said Project; provided, however, that this agreement, except any provisions herein for maintenance and electrical energy, which shall be perpetual, may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

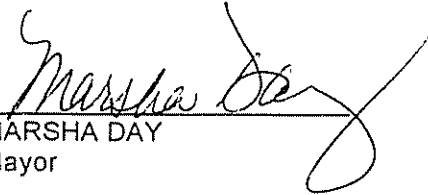
Town of Florence
Town Manager
Box 490
Florence, AZ 85232

7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

TOWN OF FLORENCE

STATE OF ARIZONA
Department of Transportation

By 
MARSHA DAY
Mayor

By 
MICHAEL P. MANTHEY
State Traffic Engineer

ATTEST

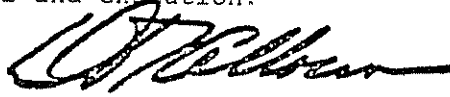
By 
LISA GARCIA
Town Clerk

98-122
14JUL

RESOLUTION

BE IT RESOLVED on this 14th day of July 1998, that I, the undersigned MARY E. PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the Town of Florence for the purpose of defining responsibilities for the design, construction and maintenance of traffic signal improvements to SR-79 at Butte Avenue.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the State Traffic Engineer for approval and execution.



DAVID ALLOCCO, Manager
Engineering Technical Group
for Mary E. Peters, Director

TOWN OF FLORENCE

RESOLUTION NO. 647-98

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA, DEPARTMENT OF TRANSPORTATION, FOR THE DESIGN, CONSTRUCTION, INSTALLATION, AND MAINTENANCE OF A TRAFFIC SIGNAL AT THE INTERSECTION OF STATE HIGHWAY 79 AND BUTTE AVENUE .

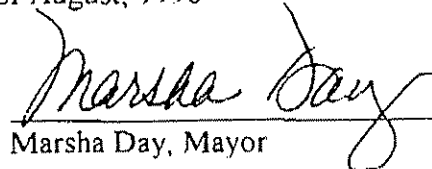
WHEREAS, the Town has requested the installation of a traffic light at the intersection of State Highway 79 and Butte Avenue, and

WHEREAS, the State Department of Transportation has approved the request subject to the execution of an intergovernmental agreement in the form attached hereto as Exhibit A and

WHEREAS, said agreement appears to be in the best interest of the Town and its citizens

NOW THEREFORE, BE IT RESOLVED that the Mayor is authorized to enter into an Intergovernmental Agreement with the State of Arizona, Department of Transportation, for the design, construction, installation, and maintenance of a traffic signal at the intersection of State Highway 79 and Butte Avenue .

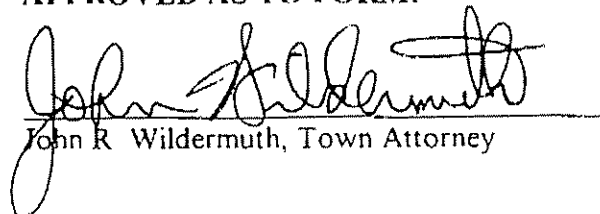
PASSED AND ADOPTED on the 5th day of August, 1998


Marsha Day, Mayor

ATTEST:


Lisa Garcia, Town Clerk

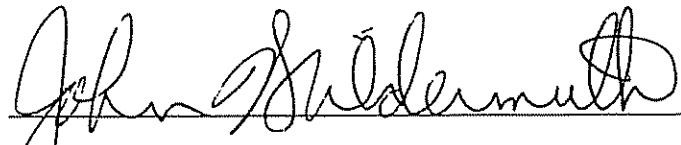
APPROVED AS TO FORM:


John R. Wildermuth, Town Attorney

APPROVAL OF THE FLORENCE TOWN ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION and the TOWN OF FLORENCE and declare this agreement to be in proper form and within the powers and authority granted to the Town under the laws of the State of Arizona.

DATED this 30 day of July, 1998.



Town Attorney



GRANT WOODS
ATTORNEY GENERAL

STATE OF ARIZONA
OFFICE OF THE ATTORNEY GENERAL
1275 WEST WASHINGTON, PHOENIX 85007-2997

TRN Main: (602) 542-1680
Direct: (602) 542-8837
Fax: (602) 542-3646
MAIN PHONE : 542-5025
TELECOPIER : 542-4085

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR98-1612TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATE September 10, 1998.

GRANT WOODS
Attorney General

A handwritten signature in black ink, reading "James R. Redpath", is written over a horizontal line.

JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:et/15156

Enc.